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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,593	10/09/2001	Hidetoshi Kabasawa	JCLA8091	7083

7590

02/23/2004

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EXAMINER

MILLER, BRIAN E

ART UNIT	PAPER NUMBER
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2652

8

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,593

Applicant(s)

KABASAWA, HIDETOSHI

Examiner

Brian E. Miller

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2652

Claims 1-7 are now pending.

Election/Restriction

1. Applicant's election without traverse of Group I, i.e., claims 1-7, in Paper No. 7 is acknowledged. Claims 8-11 have been subsequently canceled in response to this election.

Information Disclosure Statement

2. With respect to the IDS filed 10/10/03 and the accompanied Chinese search report, the Examiner respectfully requests from the applicant an English translation (of pertinent part) thereof in order to keep the record complete.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (a) Claim 1, line 6 and line 11 are misdescriptive. Line 6 recites "a holding device...for holding an outer circumference of a disc-shaped recording medium" and line 11 recites "wherein the holding device...by clamping the disc-shaped recording medium from the top and the bottom." It is not readily apparent how the holding device would hold the top and bottom of the medium since the "circumference" would include only the outer peripheral edge of the medium; (b) claim 2, line 6 the language "for the tongue pieces..." is misdescriptive as it is

Art Unit: 2652

not readily apparent what is encompassed by this language; (c) claim 4, line 6 “is driving pieces” is at least misdescriptive and last line “toward a spring” is indefinite as lacking proper antecedent basis and it is not readily apparent where a spring would be on a disc-shaped medium; (d) claim 7, line 2 the phrase “the disc cartridge” lacks antecedent basis. Further, it is not readily apparent how a disc-shaped recording medium is loaded into a disc cartridge.

Claim Rejections - 35 USC § 102

5. Claims 1, 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Oh et al (EP 0836184). In so far as the claims are definite and understood, Oh et al discloses a disc loading apparatus, as shown primarily in FIGs. 16-21 including: a carrier (transferring mechanism) 26L, 26R for transferring a disc-shaped recording medium 21 between a first position (FIG. 17c) to insert/remove the disc-shaped recording medium and a second position (FIG. 16) to perform a reproducing and/or recording process; a holding device including elements 23L, 23R installed on the carrier for holding an outer circumference of the disc-shaped recording medium; wherein the holding device has upper and lower holders 125, 126 to contact with top and bottom portions of the disc-shaped recording medium with respect to an insertion direction (see FIG. 21 and col. 8, lines 36- col. 9, line 50); (as per claim 5) wherein the apparatus includes a disk detecting switch 41 installed on the carrier for detecting the loading of the disc recording medium; (as per claim 6) wherein the holding device is *capable* of selectively holding a first disc-shaped recording medium with a first diameter and a second disc-shaped recording medium with a diameter smaller than the first diameter (see column 9, lines 13-14).

Art Unit: 2652

Allowable Subject Matter

6. Claims 2-4, 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Amendments

7. Applicant's arguments with respect to claims 1-2 have been considered but are moot in view of the new ground(s) of rejection.

A...Applicant asserts (page 11, last paragraph) that Kawamura et al does not have a holding device "capable of holding the disc at an initial insertion stage" and that the "holding hooks are not able to hold the disc at an initial stage of insertion" are moot since such language is not commensurate with the pending claims.

B...Furthermore, on page 12 applicant states that "The tongue pieces are in contact with a *front edge* of the disc-shaped recording medium with respect to an insertion direction by an inserting force."(emphasis added by applicant). This language is also not present in the claims.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2652

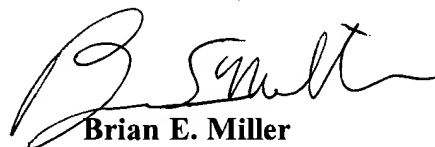
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (703) 308-2850. The examiner can normally be reached on M-TH 7:15am-4:45pm (and every other friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Art Unit: 2652

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

A handwritten signature in black ink, appearing to read "B. E. Miller", written in a cursive style.

Brian E. Miller
Primary Examiner
Art Unit 2652

bem
February 20, 2004